

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,

Plaintiff

C.A. NO.: 04-11193NG

v.

TIMOTHY CALLAHAN,
FRANCIS M. ROACHE,
PAUL MURPHY, RICHARD WALSH,
and THE CITY OF BOSTON,

Defendant

DEFENDANTS' MOTION FOR A LIMITING INSTRUCTION

Defendants respectfully submit that they continue to press their objection to introduction of evidence with regard to the statement taken by Defendant Walsh and Paul Murphy, and the subsequent suppression of that statement. As grounds therefor, the Defendants submit that the evidence is inadmissible as prior bad act evidence under Rule 404(b) and is unduly prejudicial to the rights of all defendants in this case.

Notwithstanding this objection, and without waiving same, Defendants respectfully request that the Court instruct the jury as to the limited purpose this evidence is admitted:

You will hear from witnesses today and on Monday concerning the statement that was given by Shawn Drumgold when he was arrested for the murder of Tiffany Moore in August, 1989.

It is not contested that this statement was suppressed and not used by the Commonwealth against Mr. Drumgold at trial.

You may consider the evidence not for the purpose of determining the individual liability of the Defendants, but only for the purpose of considering whether the Plaintiff has proven that these Defendants engaged in a conspiracy to violate his civil rights. You may not consider this evidence as an independent ground for liability.

By the Defendant Timothy Callahan
Through his attorney,

Respectfully submitted,
By Defendant Richard Walsh
Through his attorney,

/s/ Mary Jo Harris
Mary Jo Harris
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/s/ Hugh R. Curran
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Date: March 13, 2008

CERTIFICATE OF SERVICE

I, Mary Jo Harris, hereby certify that I have served a copy of the foregoing pleading on all counsel via electronic filing on the ECF Pacer/System, on March 13, 2008.

/s/ Mary Jo Harris